

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

ROBBIE EMERY BURKE,
Plaintiff,

Vs.

Case 18-CV-108-RAW

MUSKOGEE COUNTY COUNCIL
OF YOUTH SERVICES
("MCCOYS"), et al,
Defendants.

VIDEO DEPOSITION OF
BRANDON MILLER

DATE: JANUARY 18, 2019

REPORTER: MARISA SPALDING, CSR, RPR

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**PLAINTIFF'S
EXHIBIT**

15

tabbies®

1 A Well, I heard of little riots and children
2 putting hands on old women and stuff like that and
3 that's what I heard.

4 Q Okay. And did they tell you that it would
5 happen frequently?

6 A No.

7 Q Okay. What did you do for the interview
8 process when you got a job at MCCOYS?

9 A I think it was pretty quick and simple. Uh,
10 we're talking two years. Well, all I know is I went
11 through the interview, talked to them, let them know I
12 had a full-time job and this would be part. And other
13 than that, I was hired.

14 Q Okay. Do you recall who you interviewed
15 with?

16 A It may have been Joe.

17 Q Okay. Did he talk to you about whether there
18 was staffing issues, they were having a hard time to
19 get people to work there?

20 A Yes.

21 Q What do you recall about that?

22 A Short on staff. And maybe like if I was to
23 start, I wouldn't run out or quit or nothing. I was
24 like, no, I can keep my job.

25 Q Okay. Did he seem worried about the -- what

1 they call turnover, lots of turnover, people starting
2 and then leaving?

3 A Yes.

4 Q Okay. Did he seem concerned about the
5 understaffing?

6 A No.

7 Q Okay. And were you told what the job would
8 involve, what you would be doing there at MCCOYS?

9 A Could you repeat that?

10 Q Sure. Were you told during the interview
11 process what your job would involve?

12 A As in like job description?

13 Q Yeah.

14 A He kind of told me I'll be kind of
15 everywhere, you know. I would be in the control room
16 some days, I would prepare meals for the kids, and I
17 would be on the floor.

18 Q Okay. Had you ever prepared meals for
19 children before?

20 A Not children but adults.

21 Q Adults at the home service that you were
22 doing?

23 A Yes, sir.

24 Q Okay. Had you ever worked a control room?

25 A No.

1 Q Okay. And I'm assuming you had never worked
2 the floor in any kind of juvenile facility?

3 A No, sir.

4 Q So once you went through the interview
5 process, Joe told you, you had a job?

6 A Yes.

7 Q Okay. And when did you start?

8 A I think September something.

9 Q Okay.

10 A Maybe in the middle of September.

11 Q Okay. Of 2016?

12 A Yes.

13 Q Okay. And did you have someone you were
14 assigned to work with?

15 A As in the detention center?

16 Q Yes.

17 A No, I pretty much worked with everybody.

18 Q Okay. Did you have a supervisor that you
19 reported to?

20 A Yes, every time I worked, yes, I had a
21 supervisor that I reported to.

22 Q And would that supervisor change?

23 A Yes.

24 Q Okay. Tell me the supervisors that you
25 recall having that you worked under.

1 A Kevin. I don't know his last name. Jackie,
2 Jerrod. And I don't think Jodie was one, but those
3 were the three main.

4 Q Okay. And did you immediately go start
5 working on the floor?

6 A Not for my first few days. I was in a
7 control booth, you know, seeing how things were done.

8 Q Okay. And when you say seeing how things
9 were done, tell me about that. How were -- how were
10 you shown how things were done?

11 A Basically, how they come out the rooms. They
12 all have to work -- walk a certain way for the TV's
13 and all of that and showers and all of that. That's
14 when I began to come down the floor maybe after the
15 first day, second day.

16 Q So maybe one or two days in the control tower
17 kind of just watching the facility?

18 A Yes, yes, sir.

19 Q Okay. Had you had any training before
20 working in the control tower?

21 A Yes.

22 Q Okay. Tell me about the training you had
23 had.

24 A I believe Kevin -- he gave me a walk through.
25 Basically, when I clocked in, I was on shift change.

1 So he would walk me through and, you know, I would get
2 to know the guys that was there and about them. And I
3 would basically be next to him as he released them out
4 of the rooms and basically showed me how everything
5 was supposed to go.

6 Q Okay. You would shadow him and he'd show you
7 how things would work?

8 A Yes, sir.

9 Q And you did that for one or two days?

10 A I believe so. It may -- it may have been,
11 you know, three or four.

12 Q Okay. And beyond just shadowing, did you
13 have any other training?

14 A No, I have got my CPR from my other job. But
15 other than that, him showing me the ropes, I didn't
16 have no other training.

17 Q Okay. I mean, were you trained -- were you
18 trained at all on the jail's emergency medical
19 protocols?

20 A Could you rephrase that?

21 Q Have you ever heard of the term emergency
22 medical protocol?

23 A No.

24 Q Okay. Let's just say prior to going to work
25 on the floor, did the jail ever go over with you what

1 their emergency medical plan was?

2 A No.

3 Q Prior to going to work on the floor, did
4 anyone at MCCOYS or the county ever go over with you
5 what your requirements were to do if someone had
6 expressed suicidal ideation?

7 A No, sir.

8 Q Before you went to work on the floor, had
9 anybody either at MCCOYS or the county trained you on
10 how to do a cell check?

11 A A cell check as in?

12 Q Or a site check?

13 A Site check, yes.

14 Q Okay. Tell me about that. How had you been
15 trained to do a site check?

16 A 15 minutes.

17 Q Okay.

18 A 15-minutes check.

19 Q And what were you to do?

20 A Check on the child if he was in his room.

21 Q And how would you go about doing that?

22 A Usually, my supervisor would give me a heads
23 up and remind me or the control tower would kind of
24 knock on the glass and be like -- point me to the
25 direction --

1 Q Okay.

2 A -- for a check.

3 Q And how frequently were you doing those?

4 A Not so many. I mean, we didn't have too many
5 children being in their room a lot. You know, so many
6 kids, they wanted be out their room so we didn't go
7 through that a lot.

8 Q Why do you think the kids wanted to be out of
9 their room?

10 MR. GIBBS: Object to the form.

11 THE WITNESS: They spend enough time in
12 there so, yeah, I guess just to be out.

13 Q (By Mr. Smolen) Okay. Pretty
14 self-explanatory, right?

15 A Yes.

16 Q Were kids ever put in their rooms for
17 punishment purposes?

18 A Of them acting out, yes.

19 Q How would that work? How would the rooms be
20 used for punishment?

21 A As in like if a fight was about to go on or
22 some cussing or all kind of that, then we put them in
23 a room to chill out, you know, give them some time to
24 theirselves until...

25 Q Is it fair to say that if -- if one of the

1 children that were in the facility were disrespectful
2 to the floor worker or the supervisor, that it was a
3 practice there to put them in their room for
4 punishment purposes?

5 A Yes, if they was talking back to detention
6 workers, you know, I would say it's a warning and
7 then, okay, let's go.

8 Q And then when you say let's go, it means
9 we're going to put you in your room?

10 A Yes, sir.

11 Q And the warning that you're talking about,
12 was it a verbal warning or was it some kind of written
13 warning?

14 A I would say verbal.

15 Q Okay. I won't -- we'll get back into that a
16 little bit here on the site checks here in a little
17 bit. Had you ever had any training in any way with
18 mental health prior to going to work at the facility?

19 A No, sir.

20 Q Would you have been able to identify a child
21 who was expressing suicidal ideation behavior?

22 MR. GIBBS: Object to the form.

23 THE WITNESS: No, not if I didn't know
24 his history.

25 Q (By Mr. Smolen) Okay. And was there any

1 kind of process in place for you to learn the history
2 of one of the children that were being housed in the
3 facility?

4 A I may have looked at a couple guys come in to
5 an intake. But as in me filling it out myself, no.

6 Q Okay. Well, and -- and if you weren't
7 actually there watching the intake process, was there
8 any kind of practice in place where you would be
9 informed about a certain child's background?

10 A Usually, yes.

11 Q Tell me about that process.

12 A When shift changes, we all get together and
13 we talk about who's new and what's basically going on
14 for that day or what happened and that's how it go.

15 Q Would they ever cover their medical screening
16 form with you?

17 A Medical screening?

18 Q Have you ever heard of the term like a
19 medical -- a book in or a medical screening form? Let
20 me get you one of these and see if we can refresh your
21 memory maybe.

22 A Okay.

23 Q Have you ever heard of the form that's filled
24 out at the facility called a Suicide Risk Assessment?

25 A Yes, I went over it with my lawyer, yes.

1 Q Okay. But before going over it with your
2 lawyer, had you ever seen it before?

3 A I don't think I seen one.

4 Q Okay. Did you know in any way prior to --
5 and, again, I don't want to know what your lawyer
6 talked to you about, okay?

7 A Okay.

8 Q But prior to looking at that form which you
9 hadn't seen before with your lawyer, did you know how
10 the suicide risk assessment form was to be used at
11 MCCOYS?

12 A No.

13 Q Okay. Was there any practice in place or any
14 kind of system where you were told what was on a
15 certain child's Suicide Risk Assessment Form?

16 A No.

17 Q Are you doing alright?

18 A Yeah.

19 Q Okay.

20 (Plaintiff's Exhibit No. 13
21 marked for identification purposes)

22 Q Are you ready?

23 A Yes.

24 Q Prior to covering this form with your
25 attorney before your deposition, you had never seen it

1 before, correct?

2 A No, sir.

3 Q Okay. And did you even know those forms were
4 filled out during the intake process?

5 A I could say, yeah, yes.

6 Q Okay. It's just you didn't know what they
7 were used for?

8 A Yeah, just -- yes, sir.

9 Q You might have known it was part of the
10 intake process, but you didn't know how it would be
11 used as a tool?

12 A Yes.

13 Q Were you ever trained on the importance of
14 having a resident sign the forms?

15 A After an intake?

16 Q Yeah, during the intake process?

17 A Yes.

18 Q Tell me about what you were told as to why it
19 would be important to have the resident sign the
20 intake forms?

21 A I would just say them signing the intake form
22 would be the truth or, you know, what they've been
23 through or -- you know, but other than that...

24 Q Maybe a confirmation that the form had been
25 used with them and they had an opportunity to fill it

1 out?

2 A Yes.

3 Q Were you ever told that Billy Woods had
4 attempted to hang himself a month earlier?

5 A No, sir.

6 Q Were you ever told that the first time he
7 tried to commit suicide was when he was 8 or 9 years
8 old?

9 A No, sir.

10 Q Were you ever told that he had tried to do it
11 seven or eight times?

12 A No, sir.

13 Q Were you ever asked to check on Billy Woods
14 more often because of any -- any reason at all?

15 A No, sir.

16 Q Did you ever receive a copy of the policies
17 and procedures at MCCOYS?

18 A Yes, sir.

19 Q Okay. When did you receive a copy of them?

20 A I don't think I got a copy to take home. But
21 my few days of being in the control room, I think I
22 went through the packet.

23 Q Okay. Now when you say you think, are -- can
24 you say here under oath you're certain that you did?

25 A Yes, I'm certain I did.

1 Q Okay. And did you just skim over them or did
2 you -- tell me what you did to go over them?

3 A I read -- I read them.

4 Q Okay. Did you feel like you fully understood
5 them?

6 A Yes.

7 Q Okay. How big a packet was it that you went
8 through?

9 A It was pretty thick.

10 Q Okay. And -- and how long of time did you
11 spend going through the material?

12 A Well, I don't think it was a lot. I would be
13 in the control room for so long, and then I would be
14 shown something else. So it's like when I go back up
15 there, I would go back to it.

16 Q Okay. Were you ever given any kind of test
17 -- proficiency test to see if you knew the material?

18 A No.

19 Q Okay. Did you ever receive actual training
20 on the manual?

21 A On the manual as in?

22 Q I mean, you -- you knew that there was one in
23 the control room that you were kind of flipping
24 through, right?

25 A Yes, sir.

1 Q First couple of days you were there?

2 A Yeah.

3 Q Were you actually -- actually trained on the
4 manual, like the stuff in it?

5 A No.

6 Q I mean, for example, if I were to ask you
7 back in December of 2016, Brandon, tell me what the
8 policy is on abuse reporting, could you tell me what
9 the policy was on abuse reporting?

10 A No, sir.

11 MR. GIBBS: Dan, are you talking about
12 does he know it now or did he know it back --

13 MR. SMOLEN: No, in 20 --

14 Q (By Mr. Smolen) Like I say, in 2016 if I
15 were you to, okay, Brandon, can you tell me what the
16 abuse reporting policy is, could you tell me?

17 A No.

18 Q If I were to ask you back in December of 2016
19 what the Muskogee County Regional Juvenile Detention
20 Center's grievance procedure was, would you be able to
21 tell me?

22 A No.

23 Q If I were to ask you back in December of 2016
24 what the staffing standard's policy was, would you
25 have been able to tell me?

1 A I don't know.

2 Q Can you do it now?

3 A Oh, definitely no.

4 Q Okay. Section 6 of the policy and procedure
5 manual is emergency procedures. Can you tell me what
6 the medical emergency procedure was in December of
7 2016 at the facility?

8 A I think the only emergency that I read about
9 is like a fire or something but, you know, that's it
10 pretty much.

11 Q Okay. How about Section H of the policies
12 and procedure, Suicide Prevention And control? If I
13 were to ask you what that policy was in December of
14 2016, did you know it?

15 A No, sir.

16 Q How about the critical incident policy and
17 procedure, would you have known that in December of
18 2016?

19 A No, sir.

20 Q Did you know how OJA, the county, or MCCOYS,
21 defined a critical incident in December of 2016?

22 A Can you kind of rephrase that?

23 Q Sure. When I say define, what they -- what
24 they mean by a critical incident, did anyone ever tell
25 -- tell you what amounted to a critical incident in

1 December of 2016?

2 A That night?

3 Q No, just in general, were you ever trained on
4 the policy?

5 A No.

6 Q Had you ever been trained on what the
7 juvenile's rights were in the facility in December of
8 2016 or when you began working at the facility?

9 A Their rights?

10 Q Uh-huh.

11 A I may have went over it. But as of today, I
12 don't think I remember.

13 Q Okay. You think you would have been able to
14 tell me what the juvenile's rights were in December of
15 2016?

16 A Yes.

17 Q Okay. I'm going to hand you what we're going
18 to mark as Plaintiff's Exhibit 32.

19 (Plaintiff's Exhibit No. 32
20 marked for identification purposes)

21 MR. ARTUS: What is this one?

22 MR. GIBBS: 13.

23 MR. SMOLEN: Did we cover this last
24 time?

25 MR. GIBBS: I don't know.

1 MR. ARTUS: What number is this one,
2 sir?

3 MR. SMOLEN: 32.

4 Q (By Mr. Smolen) Let's look at Page 23. Are
5 you there?

6 A Yes, sir.

7 Q Do you think you -- while you wouldn't have
8 been familiar with some of those other policies I
9 asked you about, you do believe you would have been
10 familiar with the juvenile's rights?

11 A I mean, as looking at it like freedom, you
12 know, of -- you know, the race and equal sexes and
13 stuff, yes, I understand that. But as in the other
14 stuff I'm seeing, no, I wouldn't.

15 Q Okay. So you understood that you couldn't
16 treat them differently because of their race, correct?

17 A Yes, sir.

18 Q And you said -- you pointed out one about
19 freedom. Show me where that one is, Brandon.

20 A One, Freedom.

21 Q Okay. Freedom from discrimination. You knew
22 they were to be free from discrimination based on
23 race?

24 A Yes, sir.

25 Q Other than that -- having that knowledge, you

1 weren't aware of any of the other juvenile rights that
2 they were entitled to when they were at the facility,
3 correct?

4 A Yes, sir.

5 Q Brandon, give me a minute. I want to pull up
6 -- I have an audio recording from your OSBI interview.
7 Do you remember when you did that?

8 A Yes.

9 Q Now that was soon after this event with Billy
10 Woods, right?

11 A Yes.

12 Q Have you listened to your recording?

13 A Yes, sir.

14 Q When did you listen to it?

15 A Yesterday.

16 MR. SMOLEN: We can take a break just
17 real quick because I've got to set up a different
18 computer.

19 THE VIDEOGRAPHER: Off the record at
20 11:05 a.m.

21 THE VIDEOGRAPHER: Back on the record at
22 11:22 a.m.

23 DIRECT EXAMINATION (Cont.)

24 BY MR. SMOLEN:

25 Q Brandon, are you ready to go?

1 A Yes, sir.

2 Q In more ways in one, are you ready to proceed
3 with the deposition, yes?

4 A Yes, sir.

5 Q Okay. I want to play just this recording you
6 said you had listened to, I believe, in preparation
7 for your deposition, right?

8 A Yes, sir.

9 Q Okay.

10 THE COURT REPORTER: Dan, do you want to
11 just let it play?

12 MR. SMOLEN: Yeah, just let it play.
13 You don't need to take it down. Well, actually, we --
14 can you try to take it down because I've -- we've had
15 these problems before where we've done this in the
16 depositions and we've not recorded it and you can't
17 tell what the questions are about because there's no
18 context.

19 THE COURT REPORTER: Okay.

20 MR. SMOLEN: But it's pretty --

21 MR. HELM: I have it -- I have it on a
22 flash drive as well if you say the timestamp if she
23 needed to read -- or listen to it.

24 MR. SMOLEN: Are you guys okay if Marisa
25 -- if we just give her the times that we play so that

1 she doesn't have to take it contemporaneously or would
2 you rather her take it contemporaneously?

3 MR. WOOD: I'd rather just do the times.

4 MR. SMOLEN: Okay. Is that okay?

5 MS. FOUTCH: Yeah.

6 MR. GIBBS: And just so we're good,
7 you're not -- are we going to listen to the whole
8 thing or are you just --

9 MR. SMOLEN: No, no, no, there's just
10 these certain times, yeah.

11 MR. GIBBS: Gotcha.

12 MR. SMOLEN: And then that way, she
13 doesn't haven't transcribe the whole thing.

14 MS. FOUTCH: Do you want to note for the
15 record what the times are?

16 MR. SMOLEN: Yeah, I'm going to --

17 MS. FOUTCH: Okay.

18 MR. SMOLEN: We're going to put it in
19 right now. We're starting at --

20 MR. ARTUS: Are you -- are you going to
21 try to type it up anyway as we go or you just going to
22 kick back and watch -- listen to it later?

23 MR. SMOLEN: And she'll have a recording
24 of it, Andy. I mean, she'll have the -- so if there's
25 ever any issues, you'll have a digital recording of

1 the session, right?

2 THE COURT REPORTER: Right. But you're
3 not wanting me to --

4 MR. SMOLEN: Right. I'm just saying if
5 Andy has an issue about the way it ultimately the way
6 the transcription is done, we'll still have a copy of
7 the audio recording of the deposition so you can
8 double check it.

9 (Audio playing)

10 MR. ARTUS: Okay. And did you tell us
11 the time we're -- we're starting?

12 MR. SMOLEN: 12:49.

13 MR. HELM: Okay, sorry, I was playing it
14 fast there. It's actually 12:20.

15 MR. SMOLEN: Oh, we stopped that at
16 13:36.

17 MR. ARTUS: And just for the record, it
18 was 12:20 through 13:36?

19 MR. SMOLEN: Yeah.

20 Q (By Mr. Smolen) So we've had an opportunity
21 to listen to that segment of the recording with OSBI
22 where you were interviewing with Jeremy Yerton,
23 correct?

24 A Yes, yes, sir.

25 Q And he asked you about the way you did

1 15-minute checks, and you said you had really never
2 done them?

3 A I --

4 Q Do you recall hearing that?

5 A Yes, yes, sir.

6 Q Okay. Was that a true statement?

7 A It's -- it's a true statement. But as far as
8 me getting the papers and -- and doing the 15-minute
9 check on how long somebody is in their room like just
10 fully my initials, no, I haven't. But I have been
11 told like, Hey, go check on one or two times before
12 but...

13 Q Right, one or two times. That's the way I
14 understood what you were telling Yerton was that,
15 look, I've been asked to go check on some inmate -- or
16 a couple of times go check on some juveniles?

17 A Uh-huh.

18 Q Right?

19 A Yes, sir.

20 Q And they would kind of tap on the glass in
21 the control tower and just tell you go check, right?

22 A Uh-huh.

23 Q Yes?

24 A Yes, sir.

25 Q But overall, as far as like routinely doing

1 15-minute checks, you weren't doing that?

2 A No, sir.

3 Q Okay. Was anybody doing routine 15-minute
4 checks that you were aware of?

5 A Are we talking about everybody else or
6 just...

7 Q Every other person?

8 A Yes.

9 Q Okay. Who was doing 15-minute checks?

10 A Shift supervisors or shift leaders.

11 Q Okay. And did you actually observe them
12 doing it every 15 minutes?

13 A Yes.

14 Q Okay. Why were there times when your
15 initials were on 15-minute check forms but you didn't
16 do the 15-minute checks?

17 A Are we talking about this or other --

18 MS. FOUTCH: Object to the form.

19 Q (By Mr. Smolen) Well, you said you had never
20 really done 15-minute checks except the one or two
21 times you had been asked to go check on a juvenile,
22 correct?

23 A That's true.

24 Q Okay. And so if we find your initials next
25 to either Billy Woods' 15-minute check form or any

1 A No, my supervisor would.

2 Q Okay. And do you know he did that or are you
3 just assuming that he would be the one to do that?

4 A I assume.

5 Q You assume, right?

6 A Uh-huh.

7 Q You never actually saw him, you know, doing
8 the reports and turning them in?

9 A No.

10 Q For what period of time was Jerrod Lang your
11 supervisor?

12 A I would think the three months I worked
13 there. It was on and off.

14 Q Okay. And was he the one who was primarily
15 -- when you said that you kind of did this on the job
16 shadowing, would Jerrod do that with you?

17 A I believe Jerrod done it once, but he wasn't
18 the first one that -- it was a guy named Kevin.

19 Q Let's look at -- let's go ahead and look at
20 Exhibit 5.

21 (Plaintiff's Exhibit No. 5

22 marked for identification purposes)

23 Q Have you seen this document before?

24 A Yes, sir.

25 Q Okay. Is it one of the documents that you

1 reviewed in preparation for your deposition?

2 A Yes, sir.

3 Q And is it your handwriting and signature on
4 the form?

5 A Yes, sir.

6 Q And do you recall when you filled the form
7 out?

8 A Maybe the day of the incident.

9 Q Okay. You think you filled it out the day of
10 the incident?

11 A Yeah.

12 Q Okay. And tell me who was there when you
13 filled it out?

14 A Me, Jerrod, Angela, and Jackie.

15 Q Okay. Was Joe present?

16 A I can't remember.

17 Q Possible that he was?

18 A Yeah, it's possible.

19 Q Okay. And where were you guys altogether
20 when you filled these forms out?

21 A I believe we were in the control room.

22 Q Okay. And were you asked to fill them out?

23 A Yes.

24 Q Who asked you to fill them out?

25 A It may have been Joe.

1 Q Let's look at yours, okay?

2 A Okay.

3 Q You say -- and I'm just going to start
4 halfway through this, all right?

5 A Okay.

6 Q You say: I screamed out Billy because he was
7 the first for showers. Now how did you know he was
8 the first for showers?

9 A The way they had it set up there, there's
10 five rooms on each side so it was on paper like to see
11 like -- I think out of five rooms, it may be like 4,
12 1, 2, 3, 5 so that No. 1 was -- No. 1 -- he was the
13 first one.

14 Q And his name was next to No. 1?

15 A Yes.

16 Q Is that how you knew his name?

17 A Yes.

18 Q I mean, had you ever had any interaction with
19 Billy Woods?

20 A No, sir.

21 Q Had you ever been told anything about Billy
22 Woods?

23 A No, sir.

24 Q You said: I was told he was still in his
25 room, right?

1 A Yes, sir.

2 Q Who told you that?

3 A It could have been -- it could have been
4 Jackie or Jerrod or I think maybe a kid shouted out he
5 was in his room when -- I don't -- I don't think they
6 can talk out like that, but I think it may have been.

7 Q Okay. It says: He came out and showered for
8 me, right?

9 A (Moving head up and down)

10 Q Was he compliant when you asked him to come
11 take a shower?

12 A Yes.

13 Q Okay. And then what do you recall next?

14 A I recall next I put him in his shower, and I
15 think I talk -- I talked to him and told him how it
16 was done and he went in there and that was it.

17 Q Okay. And do you recall him coming out of
18 the shower and asking you to go back to his room?

19 A When he came out of his room, I asked him --
20 because that was my first time ever seeing him. I
21 thought all ten people was on the floor. I never seen
22 him come from court that day, so I would figure all
23 ten guys was on the floor. And when I pulled him out,
24 I said, Hey, do you want to go watch TV with the other
25 guys. And he said, No, I want to go to my room.

1 Q Okay. Was he disrespectful to you?

2 A No.

3 Q And was it okay for him to go do that, to be
4 in his room if he wanted to be?

5 A Yes.

6 Q And did that -- if -- if Billy wanted to be
7 in his room, would that require you to do anything
8 additional as a floor worker there at the facility?

9 A Yes.

10 Q What would it require you to do?

11 A Checks.

12 Q Okay. So you knew that you were supposed to
13 do 15-minute checks when Billy went back to his room?

14 A When I pulled him out and that was my first
15 time seeing him, I expect the people that was on the
16 floor had already knew it. And when I pulled him out
17 and noticed he was in his room, I thought he was
18 getting checked on from that point, you know.

19 Q Who did you think was checking on him?

20 A Supervisor.

21 Q Okay. And that would have been Jerrod?

22 A Yes.

23 Q On that particular shift?

24 A Yes.

25 Q Did you ever tell Jerrod that Billy had asked

1 to go back and be in his room?

2 A I think I had. I think I did. I think I
3 looked up at him and he wanted to go back to his room
4 so, yes.

5 Q Okay. So you think Jerrod -- you had
6 specifically informed Jerrod that Billy would be in
7 his room when Billy had asked to go back to there?

8 A Yeah.

9 Q You said: I went to control room because
10 Angie was doing phone calls?

11 A Uh-huh.

12 Q What's phone calls?

13 A Phone calls is a -- a certain amount of time
14 when the juveniles are watching TV and you pull them
15 one by one to do phone calls with -- to talk with
16 parents and -- and that. So I went to the control
17 room, and I believe Jackie and Jerrod stayed on the
18 floor and I was just in the control room.

19 Q Okay. And were you assigned to the control
20 room?

21 A For that day, no.

22 Q Okay. So why -- Angie is doing these phone
23 calls. Why would you need to be in the control room?

24 A No one else was in there and someone has to
25 be up there.

1 A Yes.

2 Q To your knowledge, were any other forms
3 completed after Billy Woods' body was discovered in
4 his cell?

5 A Not that I know of. Well, I don't do like
6 the shift notes, daily notes. So, yes, you know,
7 between 3:00 and the end of the shift, someone writes
8 out the whole day as the day go by. So, no, I didn't
9 -- I wasn't aware of when it was done.

10 Q It's possible that the daily notes were
11 completed after Billy was found in his room?

12 A Possible.

13 Q Okay. Who would have been the person filling
14 that information out?

15 A Jerrod.

16 Q You say: I was told to come down ASAP. I
17 thought I was going to prepare for takedown?

18 A (Moving head up and down)

19 Q What is takedown?

20 A Taking a juvenile down after the two was
21 fighting. You know, if somebody had to hold one and I
22 had to hold the other, so that's what I thought was
23 going on.

24 Q How frequent were you guys having to do
25 takedowns?

1 A I only seen one.

2 Q Why did you think that you were going to need
3 to prepare for takedown?

4 A We had a couple -- we had a couple of
5 juveniles in there that was not getting along so well.

6 Q So when you -- I -- I just needed to clarify
7 this. When you said prepare for takedown, it wasn't
8 to take somebody down who had hung themselves?

9 A No.

10 Q You said: I noticed everyone was in their
11 rooms. Why was it important for you to put that in
12 your report?

13 A When I hit the floor, I seen Jerrod on one
14 side and I seen Jackie on the other side, so I thought
15 I needed to hit the floor to -- for Jackie to leave
16 the floor for us to take someone down, whatever the
17 problem was. But I got on there and seen like
18 everybody was still in their rooms, so that's why I
19 was --

20 Q It didn't appear to you like there was a
21 fighting that was getting ready to break out, correct?

22 A Yes.

23 Q Okay. Now when you were in the control room
24 and Angie was doing phone calls, okay?

25 A Okay.

1 Q Were you monitoring the cameras?

2 A Monitoring the cameras as in?

3 Q The control room?

4 A Yes.

5 Q Okay. So, I mean, that was why you were
6 there, right?

7 A Yes.

8 Q Angie was doing phone calls so you were going
9 to be there to monitor the facility?

10 A Yes, sir.

11 Q Okay. And wouldn't you have seen from the
12 control room that there wasn't a fight?

13 A Yes.

14 Q Okay. So you knew there wasn't -- I mean,
15 you would have seen the kids going back to their
16 rooms, right?

17 A Yeah.

18 Q Do you know how long the kids had been in
19 their rooms at the time Mr. Lang told you to come
20 down?

21 A No.

22 Q How did Jerrod tell you to come down? Did he
23 call you over an intercom? Did he actually show up in
24 the control tower?

25 A I think he may have walked past the control

1 tower and told me to get down there.

2 Q Okay. And what do you recall his demeanor
3 being like? How was he acting?

4 A As if something was happening, something went
5 -- went down.

6 Q Okay. Describe to me what you mean by that.

7 A I seen in his face something was serious
8 going on.

9 Q Okay. You said, I asked Jerrod two times
10 what's going on. We got to the control room. He told
11 all, Billy hung himself. Everyone freaked out. Do
12 you have a specific recollection of that?

13 A Yes, everybody went -- everybody was shocked.

14 Q Okay. And when you say everyone freaked out,
15 what do you mean by freaked out?

16 A Surprised. My aunt that was there, she was
17 crying and I was shocked. I was shocked as well but
18 everybody was, yeah, pretty shocked.

19 Q Okay.

20 A You know, are you serious? You know, like
21 are you for real?

22 Q How long did you guys in that room talk about
23 it during -- I mean, you described it as a freakout,
24 but how long did that freakout last where everyone was
25 discussing what had happened?

1 A It was -- it was for a minute until I asked
2 Jerrod, are you serious? Let's check on him.

3 Q Okay. And had your aunt already started
4 crying?

5 A Yes.

6 Q Okay. So your aunt is crying, you guys are
7 in there for a minute. And I -- when you say for a
8 minute, you're using that as a figure of speech,
9 right?

10 A Yes.

11 Q I mean, you don't know how many minutes it
12 took place, right?

13 A Yes, sir.

14 Q Okay. Long enough to have a discussion for
15 your aunt to start crying and you to start questioning
16 Mr. Lang?

17 A Yes.

18 Q Okay. And you say we should go check on him,
19 right?

20 A Yes, sir.

21 Q Okay. To your knowledge, at that point
22 before you say we should go check on him, had anybody
23 checked on him?

24 A Could you repeat that?

25 Q Sure. At the moment once you say, hey,

1 everyone is freaking out in the control room, aunt is
2 crying and you say, Jerrod, we should go check on him,
3 to your knowledge, prior to you saying we should go
4 check on him, had anybody actually checked on Billy
5 Woods?

6 A No.

7 Q So what was Jerrod's reaction when you said
8 we should go check on him?

9 A He basically just followed me out.

10 Q Okay. You say we went to check on him, BM
11 and JL. That's you and Jerrod Lang, right?

12 A Yes.

13 Q Because other staff couldn't see him like
14 that, right?

15 A Yes.

16 Q How did you know that -- when you say because
17 other staff couldn't see him like that, was that a --
18 did they tell you that?

19 A My auntie couldn't go down there.

20 Q Okay. Because --

21 THE COURT REPORTER: Wait. Say that one
22 more time.

23 MR. SMOLEN: His auntie couldn't go down
24 there.

25 THE COURT REPORTER: Okay.

1 Woods still had a chance of living?

2 A Still needs...

3 Q Okay, take a minute. This is the first time
4 when you and Jerrod walked in, okay?

5 A (Moving head up and down)

6 Q Do you recall Jerrod doing anything?

7 A No.

8 Q Do you recall Jerrod saying anything to you?

9 A Yes.

10 Q What do you recall?

11 A I just looked at him and asked him could we
12 get him down? Do we do CPR?

13 MR. WOOD: I'm having a little trouble
14 hearing you. Can you speak up?

15 MS. FOUTCH: Yeah.

16 THE WITNESS: I asked him, do we get him
17 down from here? Do we do the CPR?

18 Q (By Mr. Smolen) And what do you recall
19 Mr. Lang's reaction to your question being?

20 A He's gone.

21 Q Okay. Did you ask him how he knew he was
22 gone?

23 A No.

24 Q Okay. And when Jerrod told you he's gone,
25 did you two just leave the room?

1 A Yes.

2 Q Okay. And where did you go next?

3 A Up to the control room.

4 Q Okay. And what happened next?

5 A Everybody is still in shock talking back and
6 forth. And me not being there that long, I'm looking
7 at everybody, you know, basically like what do we do?
8 You know, I'm looking at people that been there long
9 enough to -- to react, to call to, you know, get this
10 handled since that had happened.

11 Q Is it fair to say that you didn't feel like
12 you were trained in how to handle that situation?

13 A No, I wasn't.

14 Q Did anyone appear to be trained in how to
15 handle that situation?

16 A No.

17 Q And so what did you collectively do as a
18 group at that point?

19 A Well, I was shaken up still. And one person
20 was talking about calling Joe, one person was like
21 911.

22 Q Okay. Do you recall who was talking about
23 calling Joe?

24 A No.

25 Q Okay. So was a decision made as to whether

1 to call Joe or 911 at that point?

2 A No.

3 Q Okay. Do you know that Joe was called first
4 before 911?

5 A Yes, I think, yes.

6 Q Okay. And were you there when Joe was
7 called?

8 A Yes, I may have still been in the control
9 room, yes.

10 Q Okay. And do you recall what Joe said? Was
11 it -- was it a call on a speakerphone?

12 A I don't recall it being on speakerphone.

13 Q Okay. Do you recall who called Joe?

14 A No.

15 Q Do you recall whoever that person was, what
16 they told you when they got off the phone with Joe?

17 A Call 911.

18 Q Okay. And then did somebody call 911?

19 A Yes.

20 Q Do you recall Jerrod Lang telling you not to
21 touch Billy Woods when you went down there for the
22 first time to observe him hanging in the room?

23 A Yes.

24 Q Did he ever explain to you why he didn't want
25 you to touch him?

1 A He told me it was like a crime scene.

2 Q Okay. At this point in time, though, it's
3 fair to say that you guys hadn't even checked to see
4 if Billy Woods had a pulse, correct?

5 A Yes.

6 Q It's also fair to say that no one had
7 attempted to take Billy down and see if he could even
8 be revived, correct?

9 A Yes.

10 Q You guys didn't even know whether Billy Woods
11 was dead or not, correct?

12 MR. GIBBS: Object to the form.

13 MS. FOUTCH: Same objection.

14 THE WITNESS: He looked like he had been
15 there for awhile.

16 Q (By Mr. Smolen) Okay. What -- what makes
17 you say that?

18 A His color in his face.

19 Q Okay. What was the color in his face?

20 A So pale. And I don't know if I seen blue or
21 purple but he just looked -- when we walked in there,
22 it just looked like it was maybe 30 minutes. It
23 didn't look like it was just, you know, can bring him
24 back. It just looked finished. It was just...

25 Q Okay. Had you ever seen a body in that

1 paragraph. And just for the record, we're on Muskogee
2 EMS20, okay? And this was a suicide attempt at the
3 MCCOYS facility that was at 601 West Shawnee, okay,
4 prior to the new facility opening up.

5 In the narrative, it states that there was 16-year
6 old male patient. The patient was in the custody of
7 the Muskogee County Juvenile Detention Center. He
8 reportedly made a noose out of a shirt and sock. The
9 patient then reportedly tied to a vent in the ceiling
10 and then put it around his neck and tried to hang
11 himself.

12 The detention officer found him hanging during one
13 of the 15-minute checks. The officer states that the
14 patient was blue in the face and was not responsive
15 when she found him. The detention officer got the
16 noose off of the patient and laid him flat on the bed.
17 The detention officer states that the patient then
18 started to get color back in his face and woke up; do
19 you see that there?

20 A Yes.

21 Q Okay. And this portion where it says --
22 we're -- we're referring here. The officer states
23 that the patient was blue in the face and was not
24 responsive, okay? Is that what you observed when you
25 walked into Billy Woods' room?

1 A I observed he was gone.

2 Q Okay. You said that you had never seen a
3 dead body before?

4 A Correct.

5 Q Okay. It's fair to say that you weren't
6 medically qualified to make that determination,
7 correct?

8 A Correct.

9 Q Okay. I just want to know what you actually
10 observed, what you -- what you saw, okay? You saw
11 Billy briefly there hanging from a sheet, correct?

12 A Yes.

13 Q You said that he had a blue or purplish
14 color in his face, correct?

15 A (Moving head up and down)

16 Q Yes?

17 A Yes.

18 Q And that's similar to how this worker
19 describes this other juvenile that's found, correct?

20 A This --

21 MR. GIBBS: Just answer his question.

22 THE WITNESS: This is different.

23 Q (By Mr. Smolen) Okay. But with all due
24 respect, Brandon, you weren't here working in 2014
25 when this happened, correct?

1 THE WITNESS: Could you repeat that?

2 Q (By Mr. Smolen) Sure. You wanted to go try
3 to do CPR, right?

4 A (Moving head up and down)

5 Q Yes? I'm sorry, I've got to get a verbal
6 response for her.

7 A Yes.

8 Q And when you went down there with your
9 supervisor, he told you not to touch him, not to
10 perform CPR, correct?

11 A Yes.

12 Q Had your supervisor not told you that, would
13 you have attempted to perform the CPR on which you
14 were trained on how to do?

15 MR. GIBBS: Object to the form.

16 THE WITNESS: No. I was looking for my
17 supervisor to get down there before I do.

18 Q (By Mr. Smolen) Right, right. But what I'm
19 saying is you're down -- I mean, at this point, you're
20 down there with your supervisor, right?

21 A Yes.

22 Q You're going down there because you want to
23 try to save his life, right?

24 A Yes.

25 Q Okay. But when you get down there, your

1 supervisor tells you not to do it, right?

2 A He couldn't do it.

3 Q Not only could he not do it, he told you not
4 to do it, right?

5 A (Moving head up and down)

6 Q Yes?

7 A (Moving head up and down)

8 Q Again, I've got to get a verbal --

9 A Yes.

10 Q Okay. Would you have done CPR but for Jerrod
11 telling you not to?

12 MR. GIBBS: Object to the form.

13 MS. FOUTCH: Same objection.

14 THE WITNESS: No.

15 Q (By Mr. Smolen) Why?

16 A I left it up to my supervisor to make that
17 move.

18 Q Okay. But you were actually in the process
19 to go do it?

20 A Yes, I would have felt better if he would
21 have.

22 Q Your preference would have been to have your
23 supervisor do it, right?

24 A Yes.

25 Q I'm assuming your preference would have been

1 Q If, okay.

2 MR. GIBBS: I don't think he was done.

3 Q (By Mr. Wood) Explain your response, please.

4 A My supervisor was to get down there with me.

5 Q You knew that you could have tried to remove
6 the sheet?

7 A No.

8 Q Why not?

9 A If I couldn't get help to CPR then -- or even
10 touch him or any of that, then taking him down was
11 just...

12 Q Now in fairness, I want you to think about
13 this. Was the reason that you didn't get down there
14 and try to remove the sheet and didn't do any chest
15 compressions, was that because Jerrod was telling you
16 not to?

17 MR. SMOLEN: Object to the form, asked
18 and answered.

19 MS. FOUTCH: Same objection.

20 THE WITNESS: Yes. But other than that,
21 I was shocked and...

22 Q (By Mr. Wood) Okay. So, again, in fairness,
23 you knew some things that you -- you could have done,
24 chest compression, rescue breaths, try to remove the -
25 -the noose, but you didn't do that because Jerrod --

1 Jerrod said, Don't touch him; is that fair?

2 MR. SMOLEN: Object to the form.

3 MS. FOUTCH: Object to the form.

4 THE WITNESS: Yes, but I haven't
5 experienced this type of -- this type.

6 Q (By Mr. Wood) Right. And that's fair. I
7 understand that. So you had some -- some available
8 things that you could have done and you knew that, but
9 you didn't do it because Jerrod said, Don't touch him,
10 and it was a shocking situation to you?

11 MR. SMOLEN: Object to the form.

12 Q (By Mr. Wood) Is that the way it was?

13 MR. GIBBS: Object to the form.

14 MS. FOUTCH: Objection.

15 THE WITNESS: Yes, it was but not nobody
16 wanting to hang theirsself.

17 MR. WOOD: That's all the questions I
18 have.

19 CROSS-EXAMINATION

20 BY MS. ZAMARRIPA:

21 Q Hi Brandon. My name is Jackie Zamarripa. I
22 represent the Office of Juvenile Affairs and Steven
23 Buck. I have a couple of questions. First, do you
24 know who Stephen Buck is?

25 A No.

1 Q Are you there?

2 A Yes, sir.

3 Q Okay. And just follow along with me. I'm
4 going to read from Paragraph 1, okay?

5 A All right.

6 Q The daily note sheet for resident Billy Woods
7 was preemptively filled out for the entire 3:00 p.m.
8 to 11:00 p.m. shift on 12/15/16. That's a true
9 statement, correct?

10 A Yes.

11 Q Okay. Woods' body was discovered in his cell
12 at 8:34 p.m. after Woods had not been checked for
13 approximately two hours and two minutes, true?

14 A True.

15 Q Checks were initiated through 10:45 p.m. as
16 having been completed. That's true as well, correct?

17 MR. GIBBS: Initialed.

18 Q (By Mr. Smolen) Initialed, through 10:45
19 p.m. as having been completed, correct?

20 A Have --

21 Q I know you didn't do it, but the form Billy
22 Woods' room checks were initialed through 10:45 p.m.
23 as having been completed, correct?

24 A And that's --

25 Q On the --

1 A -- other kids?

2 Q No, on Billy's form, okay?

3 A Okay, yes.

4 Q You knew that it had been initialed through
5 10:45 -- 10:45 p.m. as if it had been completed,
6 correct?

7 A Correct.

8 Q OKAY. And that's a true statement in this
9 report, correct?

10 A Yes.

11 Q Okay. Looking at Paragraph 2, okay, the
12 daily note sheets for Woods had initials for Miller
13 and Lang at 6:45, 7:00, 7:15, 7:30, 7:45, 8:00 p.m.,
14 8:15 p.m., and 8:30 p.m. That's also true, correct?

15 A No.

16 Q Okay. What's inaccurate about that?

17 A My initials on the time checks.

18 Q Well, we know they weren't your initials?

19 A Yeah.

20 Q That's what you're saying?

21 A Yes.

22 Q Okay. But as far as your initials being
23 placed on the form by somebody else, they were on --
24 actually on the form, correct?

25 A Yes.

1 Q Okay. So the daily note sheets for Woods had
2 your initials and Lang's initials at 6:45, 7:00, 7:15,
3 7:30, 7:45, 8:00, 8:15, and 8:30, correct?

4 A Correct.

5 Q Okay. A review of video showed none of these
6 checks were completed by any staff. That's also true
7 that you guys didn't do the checks, correct?

8 A Correct.

9 Q It goes on to state that: Miller, Lang, and
10 Winkle were all in the area outside of Woods' room at
11 multiple and various times during the times in
12 question but checks were not completed. That's also
13 true, correct?

14 A Correct.

15 Q At approximately 7:32 p.m., Miller placed his
16 hands on the door to Woods' room, but he did not check
17 on Woods. That's accurate, correct?

18 A That's true but the focus was on the shower.

19 Q Okay.

20 A And me pulling him out at 6:00 something.

21 Q Okay.

22 A I expect that the checks was handled --

23 Q Okay.

24 A -- you know, when he got from court.

25 Q At approximately 7:37 p.m., Miller was

1 standing beside Woods' door but did not check on
2 Woods. That's true, correct?

3 A Yes.

4 Q Paragraph 3: The daily note sheets for other
5 nine residents that the facility did not have
6 15-minute checks documented from 8:00 p.m. to 10:45
7 p.m., correct?

8 A Yes.

9 Q Earlier, you testified that checks were
10 always done. If that is, in fact, true, can you tell
11 the jury why the nine other residents checks were not
12 completed on 12/15?

13 A Everybody -- everybody there that worked
14 during the night had their mind stuck on one thing and
15 that was Billy and EMS, police, and everybody else
16 that was there. So we had got reminded by someone
17 that, Hey, these other kids still need checked.

18 Q Okay. Looking at No. 4. Are you there?

19 A Yes.

20 Q Halfway through: 15-minute checks were not
21 completed for residents in the west wing until Miller
22 opened the flap covering the indoor window for Room
23 No.5 at approximately 9:04 p.m. At that point, 26
24 minutes had passed without any checks. Miller did not
25 check the residents in Room 2, 3, or 4 at that time.

1 A No.

2 Q Okay. No. 14, okay? It says that -- I'm at
3 the last sentence, okay, of 14. None of them,
4 referring to you and your co-worker, okay? None of
5 them indicated any knowledge of five-minute check
6 requirements for suicide precautions. Had you ever
7 been trained on five-minute suicide precaution checks?

8 A Never.

9 Q Never heard that before --

10 A No.

11 Q -- prior to Mr. Woods' death, correct?

12 A Yes, never.

13 Q Did anyone ever talk to you about the
14 necessity to monitor residents, children who were
15 residing there that had showed suicidal ideation
16 through the intercom?

17 A No.

18 Q When did you stop working at the facility,
19 Brandon?

20 A I believe December 22nd.

21 Q Okay. So you would have been employed there
22 when Jacob Parsons was housed there? Look at
23 Paragraph 15.

24 A Jacob Parsons?

25 Q Resident Jacob Parsons was placed at the